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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,098	08/30/2000	Eriko Koda	500.38975X00	1886

20457 7590 06/14/2004

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EXAMINER

HARRISON, CHANTE E

ART UNIT PAPER NUMBER

2672

DATE MAILED: 06/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,098

Applicant(s)

KODA, ERIKO

Examiner

Chante Harrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: RCE, filed on 5/11/04.
2. Claims 17-48 are pending in the case. Claims 17, 21, 26-27, 31 and 36 are independent claims and have been amended.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 17-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenichi Minami, U.S. Patent 6,215,505 B1, 4/2001.

As per independent claims 17, 26, 27 and 36, Minami discloses when replay of said moving picture is stopped at an arbitrary replay position of said moving picture on said display (col. 9, ll. 63-67; col. 11, ll. 60-67), identifying an image inputted by said input device and position data of said input image and displaying on said display said input image in superposition with the stopped moving picture (col. 5, ll. 25-40); storing

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information of said replay position of said moving picture (col. 12, ll. 7-19, 29-37); when said moving picture is replayed from said arbitrary replay position, drawing a locus of motion of said image by said input device to determine position data of said locus of motion of the image with time (col. 7, ll. 3-96, 19-23, 36-44; Fig. 8-9; col.8, ll. 54-65) and storing said determined position data and time data representing when said position data is determined (col. 5, ll. 41-49); and while replaying said moving picture starting from said stored replay position, displaying on said display said image in accordance with said stored position data of the locus of motion and said stored time data (col. 5, ll. 25-40; col. 7, ll. 52-60; Fig. 5).

As per dependent claims 18, 23, 28 and 33, Minami discloses adding or deleting said stored position data and said time data representing when said position data is determined in accordance with a designation by said input device (col. 6-7, ll. 54-19).

As per dependent claims 19, 24, 29 and 34, Minami discloses replaying said moving picture from an arbitrary replay position in accordance with a replay speed designated by said input device (co. 11, ll. 26-34; col. 12, ll. 37-44).

As per dependent claims 20, 25, 30 and 35, Minami discloses displaying said moving picture as a background (col. 5, ll. 1-17) and displaying said image as a foreground (col. 7, ll. 25-35).

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As per independent claims 21 and 31, Minami discloses when replay of said moving picture is stopped at an arbitrary replay position of said moving picture on said display (col. 9, ll. 63-67; col. 11, ll. 60-67), identifying an image inputted by said input device and position data of said input image and displaying on said display said input image in superposition with the stopped moving picture (col. 5, ll. 25-40; col. 7, ll. 52-60); storing information of said replay position of said moving picture (col. 12, ll. 7-19, 29-37); identifying information of a boundary line (i.e. dotted frame) of an area in which the image inputted by said input device can move and displaying said boundary line on said display (col. 10, ll. 11-30; Fig. 12 "302"); storing said information of the boundary line of an area in which said image can move (col. 10, ll. 11-30); when said moving picture is replayed from said arbitrary replay position; designating a locus of motion of said image by said input device to determine position data of said locus of motion with time based on said stored boundary line information (col. 10, ll. 34-44) and storing said position data and time data representing when said position data is determined (col. 5, ll. 41-49); and in response to replaying of said moving picture starting from said arbitrary replay position, displaying on said display said image in accordance with said stored position data of the locus of motion and said stored time data (col. 5, ll. 25-40; col. 7, ll. 52-60; Fig. 5).

As per dependent claims 22 and 32, Minami discloses modifying the position data of said locus of motion in accordance with said boundary line information (col. 10, ll. 11-

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44) and storing time data representing when said modified position data and said position data are identified (col. 5, ll. 41-49).

As per dependent claims 37, 39, 41 and 43, Minami discloses drawing a locus of motion of said image by the input device on the moving picture under replay on the display (col. 8, ll. 54-65; col. 9, ll. 33-39).

As per dependent claims 38, 40, 42 and 44, Minami disclose manually drawing the locus of motion (col. 5, ll. 25-31).

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minami as applied to claims 17, 21, 27 and 31 above, and further in view of Tonomura et al., U.S. Patent 6,571,054, 5/2003.

As per dependent claims 45-48, Minami fails to disclose the image is a still image, which Tonomura discloses (col. 8, ll. 20-30). Minami teaches the image to be synthesized is a partial image extracted from the video image (abstract).

Tonomura teaches partial images may be a static image. It would have been obvious to one of ordinary skill in the art to include Tonomura's disclosure of a still image with that of Minami because a partial image is a static image selected from a frame of video.

Response to Arguments

5. Applicant's arguments filed 5/11/04 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 17, 21, 26, 27, 31 and 36, Minami fails to disclose synthesizing an image with a moving picture by drawing a locus of motion designating the position data of the locus of motion of the image with time and storing the position and time data while replaying the moving picture from an arbitrary replay position...

In reply, Minami teaches producing a background from a video image obtained via a camera (col. 5, ll. 9-17), which corresponds to a moving picture. Minami also teaches a partial image that has a motion trajectory, representing the time and position of the object relative to the background, as selected by a user (col. 5, ll. 50-65), which corresponds to an object having a locus of motion designating position and time of movements being synthesized with a moving picture. Minami also teaches synthesizing and displaying successive partial images, e.g. "still" user manipulated images, continuously or at a constant time interval from a position corresponding to the position at which the partial image was selected for manipulation, such that the "still" partial image is synthesized with the background video image during playback and moves in the selected direction without tracing (col. 7, ll. 53-60).

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Applicant argues with respect to claims 18-20, 22-25, 28-30, 32-35 and 37-47 (Note: Applicant's arguments made in regards to claims 37-57 are acknowledged as a typo, and assumed to have included claims 37-47 as there is no claim 57), Minami does not suggest replaying a moving picture from an arbitrary replay position in accordance with a replay speed designated by an input device.

In reply, Minami teaches specifying video playback, e.g. video replay, start and end positions, where the specification of playback start and end points allows for the calculation of the playback speed, e.g. replay speed, at arbitrary screen positions (col. 11, ll. 25-35).

Accordingly, Examiner asserts that Minami et al. disclose or suggest the limitations in the combination of each of claims 17-47.

Therefore, the rejection of claims 17, 21, 27 and 31 and their dependent claims in view of Minami is maintained.

With respect to claims 45-48, rejected under 35 U.S.C 103 (a) as being unpatentable over Minami et al., in view of Abe et al., Applicant argues that they depend from one of independent claims 17, 21, 27 and 31 and are therefore patentable for the arguments presented above as none of the references suggest the image is a still image.

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In reply, the rejection of claims 45-48 in view of Minami and further in view of Abe is withdrawn. However the claims are newly rejected in view of Minami and further in view of Tonomura et al. See the above rejection.

Conclusion

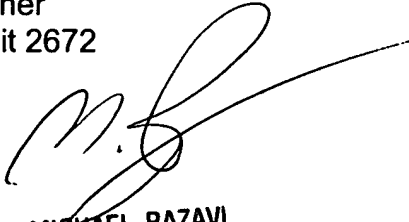
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 703-305-3937. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Chante Harrison
Examiner
Art Unit 2672



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